

Remarks

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-11 and 13-32 are pending in the application, of which claims 1, 10, 17, 23, 26, and 29 are independent. By the foregoing Amendment, claims 1, 5, 10, 16, 17, 19, and 23-29 are sought to be amended. Claim 12 is sought to be cancelled. Claims 31 and 32 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding objections and rejections.

Objection to Specification & Drawings

The Examiner, on page 2 of the Office Action, has objected to the disclosure and drawings because the disclosure is missing the drawings for Figures 5, 6A, 6B, 7, and 8, as briefly discussed on pages 3 and 4 of the specification. Applicant respectfully disagrees. When the application was filed on March 9, 2001, the application contained nine sheets of formal drawings. As proof of receipt that nine sheets of formal drawings were filed with the application, Applicant has attached as Appendix A, the returned receipt postcard (that was filed with the application) from the United States Patent & Trademark Office (U.S. PTO). The returned receipt postcard is stamped by the U.S. PTO with the Application Serial No. and the date of filing (i.e., March 9, 2001). The postcard indicates in item 4, that "NINE sheets of formal drawings" were received by the U.S. PTO on March 9, 2001. Also, please note that Applicant never received a "Notice of Omitted Items" from the PTO, which would have been mailed to Applicant if the Office

of Initial Patent Examination (OIPE), when reviewing the application at filing, had determined that all of the figures of the drawings mentioned in the specification were not present when filed. Since this did not occur and Applicant received a return receipt postcard indicating that the NINE sheets of formal drawings were received, Applicant respectfully requests that the Examiner, after reviewing the return receipt postcard, withdraw the objection to the Specification and Drawings.

Applicant has also attached copies of Figures 5, 6A, 6B, 7 and 8 in Appendix B.

Claim Objection

The Examiner, on page 2 of the Office Action, has objected to claim 24 because the language “viewable substantially simultaneously viewable” is confusing as well as redundant. Applicant has amended claim 24 to omit the first use of the word “viewable” in order that the claim read “substantially simultaneously viewable.” Applicant respectfully requests that the Examiner review the amended claim 24 and withdraw this objection.

Rejection under 35 U.S.C. § 102

The Examiner, on page 2 of the Office Action, has rejected claims 1-8, 10-14, 16, 17, 19, and 22 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter “Elliott”). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With regards to independent claim 1, Elliott does not teach or suggest every element of Applicant's claimed invention. For example, Elliott does not teach or suggest at least the following: a controller to adjust a position of the at least one object in response to displaying the video, wherein to adjust the position of the at least one object comprises to arrange the at least one object in a manner so that both the video and the at least one object are prevented from having an impeded view.

Unlike the present invention, Elliott does not teach or suggest to arrange the at least one object in a manner so that both the video and the at least one object are prevented from having an impeded view. Instead, Elliott teaches a process for dynamically switching between a single top level window and multiple top level windows. In fact, in Figures 6 and 8, Elliott shows the top level windows overlapping the bottom level window, thus impeding the view of the bottom level window from being shown in its entirety.

For at least these reasons, Applicant respectfully submits that Elliott does not include each and every element of Applicants' claimed invention as recited in independent claim 1. Independent claims 10 and 17 recite similar elements to claim 1. Therefore, independent claims 1, 10, and 17, and the claims that depend therefrom (claims 2-9, 11, 13-16, and 18-22, respectively), are patentable over Elliott. Applicant

respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 1, 10, and 17, and the claims that depend therefrom respectively.

Rejection under 35 U.S.C. § 103

The Examiner, on page 5 of the Office Action, has rejected claims 9, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter “Elliott”). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 9 depends from independent claim 1, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 9.

Claim 15 depends from independent claim 10, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 15.

Claim 18 depends from independent claim 17, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 18.

The Examiner, on page 7 of the Office Action, has rejected claims 20, 21, and 23-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter “Elliott”) in view of Microsoft Word 2000 by Microsoft Corporation, dated 12/25/99. Applicant respectfully traverses this rejection. Based on

the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claims 20 and 21 depend from independent claim 17, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claims 20 and 21.

The Examiner states, on pages 7-8, that Elliott substantially teaches Applicant's invention as claimed with respect to independent claim 23, but that Elliott does not teach Applicant's element of "arranging the object, in response to displaying the video in the window, in a manner that prevents both the object and the video from having an impeded view." The Examiner further states that this element is taught by Word 2000.

Applicant respectfully agrees with the Examiner that Elliott does not teach or suggest "arranging the object, in response to displaying the video in the window, in a manner that prevents both the object and the video from having an impeded view." Applicant respectfully disagrees that Word 2000 teaches this element. Word 2000 does not solve the deficiencies of Elliott. Contrary the present invention, which teaches "arranging the object, in response to displaying the video in the window, in a manner that prevents both the object and the video from having an impeded view", Word 2000 teaches adjusting the text in response to moving and resizing objects.

Thus, neither Elliott nor Word 2000, separately or in combination, teaches or suggests Applicant's invention as recited in independent claim 23. Independent claims 26 and 29 recite similar elements to claim 23. Thus, for at least these reasons, claims 23, 26, and 29, and the claims that depend therefrom (claims 24 and 25, claims 27 and 28, and claim 30, respectively), are patentable over the cited references. Applicant therefore

respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 23, 26, and 29, and the claims that depend therefrom respectively.

New Claims

New claims 31-32 have been added. Claim 31 depends from independent claim 23, and thus, is patentable over the cited references for at least the reasons stated above. Claim 32 depends from independent claim 26, and thus, is patentable over the cited references for at least the reasons stated above.

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Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Commissioner for Patents, P.O. Box 10, Alexandria, VA 22304-0010.

11-23-04

Date of Deposit

Rachael Brown

Name of Person Mailing Correspondence

RB
Signature

11-23-04
Date

Paul S. Gryskiewicz
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Appendix A: Return Receipt Post Card (Attached)

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Appendix B: Figures 5, 6A, 6B, 7, and 8 (Attached)